

Dean Harvey
Partner
dharvey@lchb.com

October 4, 2024

VIA ECF

Honorable Hector Gonzalez
United States District Court
Eastern District Of New York
225 Cadman Plaza East
Brooklyn, NY 11201

RE: *Uddin v. Elsevier, B.V., et al.*, Case No. 1:24-cv-06409-HG (EDNY);
Service of Complaint

Dear Judge Gonzalez:

Plaintiff Dr. Uddin submits this letter in response to the Court's September 13, 2024 Order directing Plaintiff to file a letter on or before October 4, 2024 describing her efforts to serve the Complaint and summons on Defendants.

There are seven Defendants in this action. Two have headquarters in the United States: Sage Publications Inc. ("Sage") and John Wiley & Sons, Inc. ("Wiley"). The remaining five have headquarters in Europe. Elsevier, B.V. ("Elsevier"), the International Association of Scientific, Technical, and Medical Publishers ("STM"), and Wolters Kluwer N.V. ("Wolters Kluwer") are based in the Netherlands. Taylor & Francis Group, Ltd. ("Taylor & Francis") is based in the United Kingdom. Springer Nature AG & Co. KGaA ("Springer Nature") is based in Germany. European Defendants may be served either through agreement, or through

Honorable Hector Gonzalez
October 4, 2024
Page 2

adherence to varying country-specific requirements under the Hague Convention.

Earlier today, Plaintiff filed a stipulation and proposed order, whereby all seven Defendants agreed to accept service of the Complaint and summons, and Plaintiff agreed to extend response deadlines so that Defendants will be able to coordinate and respond to the Complaint by the same deadline: 100 days after the Court enters the stipulation and proposed order. Dkt. No. 21. This proposed deadline reflects the varying response deadlines that would otherwise apply to Defendants, in particular those based in Europe. The parties have also agreed to meet and confer in advance of the proposed deadline and attempt to agree on a proposed briefing schedule, in the event that Defendants decide to respond to the Complaint with a motion to dismiss.

Prior to the stipulation, Plaintiffs formally served Sage on September 23, 2024 (Dkt. No. 13); Wiley on September 27, 2024 (Dkt. No. 14); and Elsevier, STM, and Wolters Kluwer on October 3, 2024 (Dkt. Nos. 18-20). Plaintiffs served Taylor & Francis on October 1, 2024, but receipt of the proof of service in the United Kingdom will require another 2-6 weeks. Plaintiffs submitted the relevant paperwork to the German Central Authority to serve Springer Nature on October 1, 2024, but receipt of the proof of service in Germany could take up to six months.

Respectfully submitted,



Dean M. Harvey (admitted *pro hac vice*)
Jallé H. Dafa (admitted *pro hac vice*)
Benjamin A. Trouvais (admitted *pro hac vice*)
LIEFF CABRASER HEIMANN &
BERNSTEIN, LLP
275 Battery Street, 29th Floor

Honorable Hector Gonzalez
October 4, 2024
Page 3

San Francisco, CA 94111-3339
Phone: (415) 956-1000
Fax: (415) 956-1008
dharvey@lchb.com
jdfa@lchb.com
btrouvais@lchb.com

Emily N. Harwell (NY Bar # 5985585)
LIEFF CABRASER HEIMANN &
BERNSTEIN, LLP
250 Hudson Street, 8th Floor
New York, NY 10013
Phone: (212) 355-9500
Fax: (212) 355-9592
eharwell@lchb.com

Benjamin Elga (NY Bar #5332861)
Janet Herold (admitted *pro hac vice*)
JUSTICE CATALYST LAW
40 Rector St
New York, NY 10006
Telephone: (518) 732-6703
belga@justicecatalyst.org
jherold@justicecatalyst.org

Counsel for Plaintiff and the Proposed Class